

COMMITTEE ON BIOGRAPHY

Vancouver and operated on. The case was too far advanced however, and in spite of every care, he died a month later, on July 6th, 1906, aged twenty-seven, in Vancouver. And was buried in Beechwood Cemetery, Ottawa.

Between the years 1905 and 1906, he performed for the late Dr. King, Chief Astronomer a triangulation connecting the Dominion Observatory and the Astronomical Observatory, which was formerly on Cliff Street and which had been used as a basis for longitude work prior to the erection of the Dominion Astronomical Observatory.

Samuel Howell had two sisters: First, Hazel Bigger, born August 20th, 1883, in Saginaw, Mich., U.S.A., honor graduate of Toronto University. She married Peter A. Alexon. They reside, childless, at 8220 Gould Ave., Hollywood, Calif., U.S.A. She is an officer of four of Hollywood's largest women's Clubs. Second, Helen, was born at Ottawa on December 22nd, 1885, and died January 26th, 1903.

Samuel was a member of the Dominion Methodist Church. He was musical, played the mandolin and sang, was six feet and four inches tall. In winter he skied and skated much. Before returning to Ottawa each year he travelled extensively in the Western States.

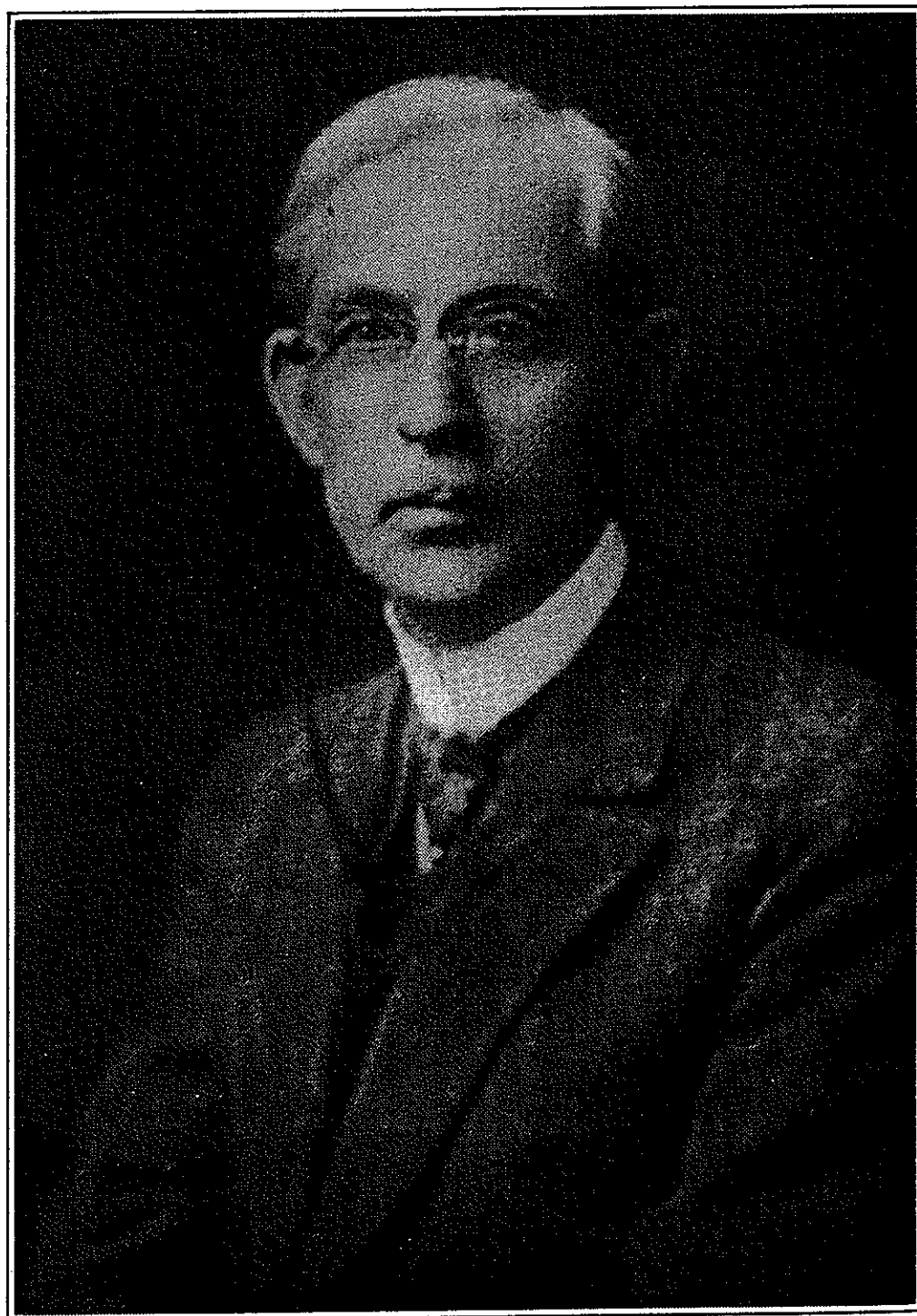
GEORGE FREDERICK HENDERSON, K.C.

Drainage Referee

**Honorary Member of the Association of Ontario Land
Surveyors**

On February 17th, 1932, this Association honoured both itself and the late George F. Henderson, K.C., Drainage Referee, by making him an honorary member of the Association. It became known shortly afterwards that by a remarkable coincidence this action was taken on his sixty-eighth birthday. Our records show that it was on another birthday, February 17th, 1915, that he first visited our Association as an invited guest to join in our drainage discussions. These discussions proved mutually helpful, to Mr. Henderson in learning of many of the practical problems encountered by the surveyors, and to our members in having from him a sound exposition of the drainage laws.

ASSOCIATION OF ONTARIO LAND SURVEYORS



Mr. Henderson was a lawyer of outstanding ability and achievements, and when the Whitney Government decided in 1906 to appoint a Referee for Eastern Ontario he was the log-

COMMITTEE ON BIOGRAPHY

ical choice for the appointment. The first Drainage Referee appointed under the Municipal Drainage Act was B. M. Britton, K.C., afterwards Mr. Justice Britton, and it is another coincidence in the career of Mr. Henderson that he, who later held the position of Drainage Referee for over a quarter of a century, should have been articled as a student at law with the first Drainage Referee of the Province. Mr. Henderson was accustomed to refer to Mr. Justice Britton as his "father—in law."

A member of the law firm in Ottawa, of which Mr. Henderson was the senior partner, pays him this tribute:

"From the very beginning of his career, Mr. Henderson displayed unusual gifts as an advocate. Very shortly after commencing the practice of law in Ottawa in 1887, he became engaged in important litigation and was soon matching his wits against the leaders of the Bar in Ontario. He had the confidence and self-reliance which is so often associated with ability of the first order and for that reason he seldom, if ever, found it necessary to brief senior Counsel, even in his early days, and thus he obtained quick recognition as an advocate. Throughout his career briefs came to him not only from Ottawa and the surrounding district but from practically every part of Ontario. If it can be said that he won his spurs in any one piece of litigation, it would be a case he had for the Ottawa Journal very early in his career, in which he was opposed to the late D'Alton McCarthy, at that time one of the most outstanding Counsel in Canada.

"In Court Mr. Henderson had an easy style which was particularly effective in cross-examination. Combined with his natural ability, he had what appeared to be an inexhaustible supply of energy and a capacity for work. This enabled him to appear day after day in Courts in different parts of the Province of Ontario, notwithstanding the fatigue involved in travelling from place to place. While he might be said to have specialized as a Counsel, his advice was continually sought on questions of commercial and municipal law and for over a quarter of a century he held his place as one of the leaders of the Bar in Ontario."

Mr. Henderson's ability and achievements as a lawyer, while of interest to members of his own profession, might have passed almost unnoticed by us as surveyors had it not been for the years of friendly contact we have had with him, both personally and as an Association, during his administra-

tion of the drainage laws. Sitting as Referee in the Drainage Court, he was always considerate of engineers who came before him in the witness box, and his desire was always to see them given a fair chance rather than to see them embarrassed by opposing counsel.

He had carried on in Eastern Ontario for only three years, 1906 to 1909, before he was called on, owing to the death of J. B. Rankin, K.C., Referee in Western Ontario, to take over the work of the whole Province. His first task in Western Ontario was to resume the hearing of a case that had already occupied about six days in court. It soon became evident that drainage cases brought before him were not going to be dragged on day after day by irrelevant or attenuated evidence and arguments. He was very quick to see the real nature of a case and insisted that no time be wasted or expense incurred over trifles, but that proceedings be directed to the real issues. In the result, it was found that the time taken for drainage trials was reduced to less than half of that formerly taken. Few drainage trials under Mr. Henderson lasted more than one day, whereas before his time anything from two to six days was the rule rather than the exception.

Appointed originally under the provisions of the Municipal Drainage Act, his jurisdiction was extended in 1917 to include appeals from findings of the county judges under the Ditches and Watercourses Act. The reason for this, and the only ground on which Mr. Henderson accepted the change, was to secure a uniform interpretation of the Ditches and Watercourses Act throughout the Province. Prior to 1917 the decision of a county judge on an appeal brought before him was final, and as the decision of any one of the county judges was not binding on the others, it followed that any particular section or wording of the Act might receive different interpretations in different counties. Appeals under the Ditches and Watercourses Act cannot be taken to the Drainage Referee as by right, but only with leave from him, and Mr. Henderson, although not bound by the wording of the Act, laid down the principle that he would not give leave to appeal unless a question of law or an interpretation of the Act were involved.

Owing to illness, Mr. Henderson was unable to carry on as Drainage Referee after 1934. He had then been a most successful administrator of the drainage laws for over a quarter of a century, enjoying the confidence and friendship of all the counsel and engineers who had occasion to appear in the

Drainage Court. During those years he dealt not only with the ordinary appeals and drainage litigation but with many of the largest drainage schemes of the Province, both in the east and in the west. His sound knowledge of drainage law, his practical acquaintance with drainage work, and his fine command of language, enabled him to give judgment in all cases coming before him for trial immediately on the conclusion of the arguments. His judgments were delivered orally and without hesitation.

At the time of our Association meeting in February of 1915, the Chairman of the Drainage Committee had some very puzzling questions of drainage law submitted for consideration. Meeting Mr. Henderson in the old Queen's Hotel, he took advantage of the occasion to submit the questions to him and to ask his opinion as to the correctness or incorrectness of answers framed by the Committee. Not only was the desired assistance given promptly and cheerfully, but the Chairman was assured that if Mr. Henderson could be of any help to the Association in the anticipated discussion he would take time off from his attendance at Osgoode Hall to meet the Surveyors. A formal invitation to attend the meeting of the Association was passed that evening, and on the following day, February 17th, (his birthday) Mr. Henderson was with us for the first discussion of drainage problems and the report of the Drainage Committee. From 1915 to 1933 he attended our drainage discussions and our Association dinners nearly every year. If appeal cases at Osgoode Hall did not bring him to Toronto at the time of our meetings he came for the express purpose of being with us.

On February 17th, 1932 (his birthday again) a by-law of the Association made him an honorary member. He had often said that he did not feel a stranger or guest amongst us, but as one of ourselves, and the honorary membership was the outcome of years of service to, and fellowship with, our Association.

His address to us in 1929, with lantern slide portraits, indicated the extent and intimacy of his knowledge of the lawyers and surveyors interested in drainage throughout the Province.

An outstanding service to the surveyors and others interested in drainage was the preparation by Mr. Henderson, at the request of this Association, of a report on "Decisions in Cases Arising under The Municipal Drainage Act" in 1916.

ASSOCIATION OF ONTARIO LAND SURVEYORS

The report was published as a Government blue book and distributed gratis to surveyors. It is now out of print and almost impossible to obtain. No book has subsequently been published dealing with the drainage laws.

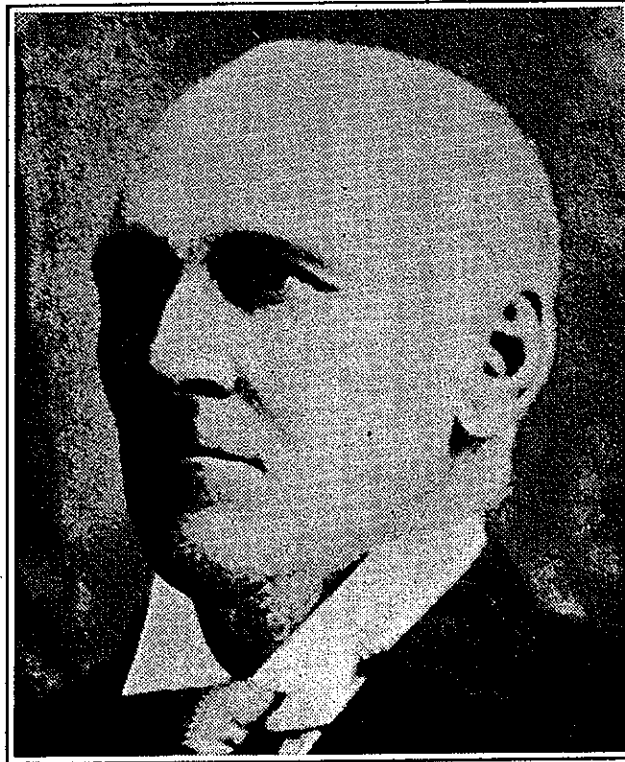
Mr. Henderson was last with us on his birthday in 1937, and showed a keen interest in the drainage discussion, although the physical disability from which he was suffering prevented his taking any active part. He was unable to be with us in 1938, but expressed appreciation of the birthday greetings that were sent him by our Association.

He set a fine example of fortitude and cheerfulness in his endurance of a long illness, which terminated in his death on July 27th, 1938, in his seventy-fifth year.

WILLIAM THOMAS THOMPSON

By E. T. Wilkie, and his Son, George F. Thompson

Born November 1st, 1853, at Cannington, Ont., son of Lt.-Col. John Hall Thompson and Margaret Cowan, daughter



of Matthew Cowan, Capt. in an Irish Cavalry Regiment. Educated in Public and Grammar schools and McGill University. Articled to Hugh D. Lumsden in 1872, obtained his P.L.S., Ont. commission in 1875. Got B.A.Sc. and M.A.Sc. and C.E. with first rank honours in natural science (McGill) 1877 and M.A.Sc. in 1882. Commissioned D.L.S. and D.T.S. in 1877. Remained in private practice in Ontario and Victoria Counties,

working from Cannington, till 1880. Surveyed Gillmor